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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,741	04/26/2005	Gerhard Wiedemann	71698	8966
23872 7590 02/18/2009 MCGLEW & TUTTLE, PC P.O. BOX 9227 SCARBOROUGH STATION SCARBOROUGH, NY 10510-9227				
EXAMINER				
HONG, JOHN C				
ART UNIT		PAPER NUMBER		
3726				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/532,741

Applicant(s)

WIEDEMANN ET AL.

Examiner

JOHN C. HONG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF 298)
Paper No(s)/Mail Date 4/26/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13, line 3, "the input" lacks antecedent basis.

Claim 14, line 3, "the output" lacks antecedent basis.

3. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 12 recites the broad recitation joining tools, and the claim also recites welding tools which is the narrower statement of the range/limitation.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 6-9 and 11-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Dunne et al. (U.S. Patent 3654616).

Dunne et al. disclose Regarding Claim(s) 1,6-9 and 12, A process for machining and/or joining workpieces in the manufacture of body shells, the process comprising the steps of: conveying the workpieces using a conveyor (20) along a transfer line and machining the workpieces using a plurality of stationarily arranged, multiaxial robots (24), wherein the workpieces (22) are conveyed continuously and machined by the robots during the forward movement synchronizing the movements of the robots along the axes with the conveying movement; and detecting the movement and the position of the workpieces with a sensor system with the detection being reported to a control system, which controls the conveyors and the robots (Figs 1 and 2; Abstract); Regarding Claim(s) 2 and 3, A machining plant, and/or joining plant, for the manufacture of body shells, the plant comprising: a conveyor for the workpieces; a plurality of multiaxial robots arranged stationarily along the transfer line, wherein the conveyor is designed as a continuously operating conveyor and the movements of the robots along axes of the robots can be synchronized with the conveying movement for machining the moving workpieces; a sensor system for detecting

the movement and the position of the workpieces; and a control system, to which the conveyors, the sensor system and the robots are connected (Figs 1 and 2; Abstract); Regarding Claim(s) 15 and 16, A joining plant, for the manufacture of vehicle body shells, the plant comprising: a plurality of multiaxial industrial robots; a conveyor means for conveying the workpieces along a transfer line along which the robots are positioned, with a continuously operating conveying section, the conveyor means being synchronized with movements of the robots for machining the moving workpieces; a sensor system for detecting the movement and the position of the workpieces; and a control system controlling the continuously operating conveyor with movements of the robots, the control system being connected to the conveyor means, the sensor system and the robots (figs 1 and 2; Abstract).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunne et al. (U.S. Patent 3654616).

Dunne et al. teach the limitation except the machining plat has a monitoring system has one or more means for optical imaging and evaluation.

But the step of utilizing a monitoring system has one or more means for optical imaging and evaluation is well known in the art so It would have been obvious to one of ordinary skill in

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the art at the time of the invention was made to utilize the known step on the method of Dunne et al. so as to control the operation more efficiently.

8. Claims 11,13,14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunne et al. (U.S. Patent 3654616).

Dunne et al. teach the limitation except the tools are arranged and clamped on carriers ; the machining plant has a loading, clamping and checking station at the input; and the machining plant has a checking and unloading station at the output.

But the tools are arranged and clamped on carriers ; the machining plant has a loading, clamping and checking station at the input; and the machining plant has a checking and unloading station at the output are well known in the art and utilizing these known methods on the method of Dunne et al. so as to manage the process effectively.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dunne et al. in view of Galli (U.S. Patent 5584326).

Dunne et al. teach the limitation except the conveyor has a plurality of the conveying sections with independent drives connected to the control system.

Galli teaches the conveyor has a plurality of the conveying sections with independent drives connected to the control system (col. 5, lines 49-51).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the conveyor has a plurality of the conveying sections with independent drives connected to the control system, as taught by Galli on the plant of Dunne et al. so as to control the movement of the workpiece on the conveyor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN C. HONG whose telephone number is 571-272-4529. The examiner can normally be reached on M-F 9:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID BRYANT can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JOHN C HONG/
Primary Examiner, Art Unit 3726

Jh
2/15/09